

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DDR HOLDINGS, LLC,

Plaintiff,

v.

PRICELINE.COM LLC, *et al.*,

Defendants.

C.A. No. 17-498-CFC-JLH (lead case)

C.A. No. 17-499-CFC (consolidated)

[PROPOSED] ORDER

For the reasons stated during the Markman hearing held on October 25, 2022, the Court adopts the following constructions for the below identified terms in U.S. Patent No. 7,818,399:

I. Agree-Upon Constructions:

CLAIM TERMS	COURT'S CONSTRUCTIONS
“web page owner” [’399 Patent, claim 1]	“an operator of a web page that engages in Internet commerce by incorporating one or more links to an e-commerce outsource provider into its web content” ¹

II. Disputed Claim Constructions:

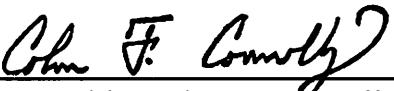
CLAIM TERMS	COURT'S CONSTRUCTIONS
“outsource provider” [’399 Patent, claim 1]	“a party that provides e-commerce support services between merchant(s) and host(s)” ²

¹ Joint Claim Construction Br., D.I. 147 at 3.

² D.I. 180 (October 25, 2022 Hrg Tr.) at 131:11-132:20, 133:7-134:18.

“merchants” [’399 Patent, claims 1, 7, 15]	“producers, distributors, or resellers of the goods to be sold”³
“commerce object” [’399 Patent, claims 1, 7, 14]	“a product, a product category, a catalog, or an indication that a product, product category, or catalog should be chosen dynamically”⁴
“derived from the retrieved pre-stored data” [’399 Patent, claim 1]	Ordinary meaning; construction not necessary⁵

Further, for the reasons stated during the Markman hearing, Defendants may reraise later in the case without prejudice the arguments they raised during the Markman hearing with respect to the terms “outsource provider” and “derived from the retrieved pre-stored data” and reraise the arguments Defendants raised for “merchants” as it relates to adding “through the outsource provider” to the construction. *See* D.I. 180 (October 25, 2022 Hr’g Tr.) at 133:7-134:18; 136:6-13.



The Honorable Colm F. Connolly
United States District Judge

³ *Id.* at 76:18-15, 78:11-84:12, 133:7-134:18.

⁴ *Id.* at 86:6-17, 135:1-9.

⁵ *Id.* at 117:23-120:21; 133:7-134:18.